

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Timothy S. Buckley, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Diana Monopoli, Deputy Clerk and Jill Rivera, Assistant Deputy Clerk.

F034805 Warren Argo v. Hertz Equipment Rental

Cause called and argued by David Molinari, Esq., counsel for appellant and by Todd Baxter, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Friday, February 15, 2002 at 10:00 A.M.

F039673 White v. Sikes et al.

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F038141 People v. Jones

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F038141 People v. Jones

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F036258 People v. Martinez

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F037930 In re Willie Lee Johnson On Habeas Corpus

Solely on the grounds of instructional error, we grant the petition, vacate the judgment of conviction of second degree murder, and remand the matter to the trial court with directions. Once the opinion is final, the court administrator/clerk of this court is directed to send a certified copy to the trial court for filing and to serve a certified copy on the prosecutor. If the prosecutor chooses to bring petitioner to trial on a charge of second degree murder within 60 days after service, the trial court shall proceed accordingly. If the prosecutor chooses not to do so, the trial court shall enter a judgment of conviction of voluntary manslaughter and sentence petitioner accordingly. On all other grounds, the petition is denied. Ardaiz, P.J.

We concur: Harris, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037674 People v. Ojeda

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F037674 People v. Ojeda

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F039053 In re Erika M., a Minor

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F038888 In re Robert H., a Minor

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F038888 In re Robert H., a Minor
The judgment is affirmed.
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F038938 In re Andre M., Jr., et al., Minors
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F038938 In re Andre M. Jr., et al, Minors
IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037411 People v. Cartwright
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F037411 People v. Cartwright
The judgment is affirmed.
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F036799 People v. Perkins
The three-year term imposed for the section 11370.2 enhancement as to count II is stricken. In all other respects the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and provide a copy thereof to all appropriate authorities.
Harris, J.

We concur: Dibiaso, Acting P.J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F034755 People v. Goldsmith

The judgment is affirmed. Buckley, J.

We concur: Dibiaso, Acting P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F038705 In re Blanca G., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F038705 In re Blanca G., a Minor

The judgments terminating appellant's parental rights are affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F038987 People v. Brown

No brief having been filed by appellant after notice duly given under rule 37(b) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F037625 People v. Gunkel

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F037625 People v. Gunkel

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]